

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY GRIMES et al.,

Plaintiffs,

-against-

SONY MUSIC ENTERTAINMENT, INC. et
al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/21/2022

1:19-cv-10644-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of the parties' letters (1) informing the Court that "this matter has been settled in principle between the Sony Defendants, Plaintiffs and Intervenor Plaintiff," (2) stating that Plaintiffs and Intervenor Plaintiff were conferring about whether to proceed against other defendants who were named in the complaint, and (3) describing "Plaintiffs' frustration" with some delay in finalizing the settlement with the Sony Defendants [ECF Nos. 107, 108, 109]. Based on the Court's careful review of those letter and its familiarity with the history of this case, IT IS HEREBY ORDERED that that the above-captioned case is discontinued without costs to any party and without prejudice to restoring the case to this Court's calendar if the application to restore is made by July 22, 2022.

As noted above, the parties represent that Plaintiffs and Intervenor Plaintiff have reached a settlement in principle with the Sony defendants. The Sony defendants represent that they will "transmit [a draft of the settlement agreement] to Plaintiffs this week" [ECF No. 109]. If there is no settlement agreement and Plaintiffs and Intervenor Plaintiff wish to prosecute this case against the Sony defendants, they can move to restore by July 22, 2022.

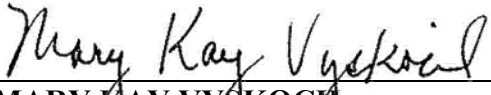
With respect to Defendants Profile, Protoons, and Plotnicki, it is long past time to confer about whether to prosecute this case against them. This case has been on the Court's docket since

2019. Those defendants have never appeared in this action, and Plaintiffs have never moved for a default judgment against them.

If no application to restore is made by July 22, 2022, today's dismissal of this action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004). All other dates and deadlines are adjourned *sine die*. The Clerk of Court is respectfully directed to terminate docket entries 88, 100, and 108.

SO ORDERED.

Date: June 21, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge